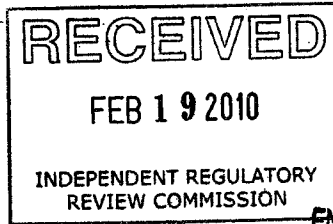


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February 12, 2010

Christopher Whiteash  
229 High Road  
Pottsville, PA 17901  
(570) 544-6127



RECEIVED

FEB 12 2010

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board  
Rachel Carson State Office Building, 16<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17101-2301

**RE: PROPOSED DEP REGULATIONS ON OUTDOOR WOOD-FIRED BOILERS**

Dear Environmental Quality Board:

Enclosed please find the following for review and response with regards to the above referenced regulation:

- 1) One page consisting of a summary of comments for the Boards agenda packets.
- 2) Twenty-five pages of comments for review and response.

Thank you for your time regarding this matter. Please call me at the above referenced number anytime if needed.

Sincerely,



Christopher Whiteash

Christopher Whiteash  
229 High Road  
Pottsville, PA 17901

(570) 544-6127

**Summary of Comments for Proposed Rule Making 25 Pa. Code Chapters 121 and 123 for Outdoor Wood-Fired Boilers**

- 1) There is a dichotomy between the actual legal foundation for this proposed regulation and the proposed regulation. The APCA limits the Department's authority to regulate household heating sources. Specifically, Section 6.1 of the APCA, 35 P.S. 4006.1, states that no written approval (plan approval or permit) shall be necessary for any such source, equipment or device used solely for the supplying of heat or hot water to one structure intended as a one-family or two-family dwelling. **Yet, the proposed rulemaking sites this same act, specifically section 5(a)(1) of the APCA (35 P.S. 4005(a)(1) for its legal foundation and statutory authority.**
- 2) Further legal precedent can be found in ACT 537 enacted in 1966, which basically provides forty-five years of precedent indicating the need to keep the Department out of people's back yards and allowing local governments to oversee proper planning of issues such as this that cannot be efficiently governed by a blanket six page proposed rule. DEP should regulate industry not individuals.
- 3) The Department's proposed regulation leaves no out for some OWB owners. Some families will have to increase their stack height up to eighty-five feet (which is not structural feasible or within local ordinances). The regulation will force OWB to abandon their OWB at a cost of nearly \$15,000.00 and then spend an additional \$10,000.00 for a new heating unit.
- 4) Stack tests in the NESCAUM report do not meet PA standards. PA DEP requires that stack test meet an isokinetic rate between 90% and 110%. Meaning, stack test Nos. 1, 3, 5, 6, 8, 9, and 10 do not qualify as representative data. Tests runs performed during the idle burn are invalid due to erroneous flow measurement rates. **Only five out of seventeen test runs would provide appropriate data and that's only after a cursory review. Meaning 71% of the stack test data is not valid and the five tests that might be valid yielded the five lowest emission rates!**
- 5) The NESCAUM report doesn't indicate the exact location of the unit in question (if the picture on the front cover is any indication the unit is located on a valley floor (railroad tracks in the background)), the height of the stack (very short height) and the OWB smoked continuously all day. In other words, that is the worst case scenario. The Department can't justly compare these results to my OWB or any other OWB. My OWB has a stack height of thirty-four feet, completely shuts down in idle mode (doesn't smoke when not being called on for heat) and my OWB disperses its effluent nearly from the top of a mountain where mixing with the air is rapid. The NESCAUM report also compiles the ambient PM2.5 particulate data from a valley floor where it's not hard to realize that this can quickly become a problem. It's beyond unjust to compare all OWB's utilizing this report.
- 6) The Department should comment on why actual control devices have not been proposed to be put on the OWBs. A fan in series with a mini cyclone along the stack would allow for a large capture of particulate matter (PM). The cyclone can be cleaned with the daily routine and the PM capture could be used in my garden to capture the benefits from potash, calcium carbonate and phosphate residue located in the PM. We can come up with better ideas than having to raise my stack to a height of eighty-five feet.
- 7) We learn that one amasses documents to support the thesis he/she is attempting to prove or disprove. The Department and the Air Quality Technical Advisory Committee (AQTAC) seem to start with the premise that ALL OWB's are detrimental to our society and proceeded to collect data to prove their point, while overlooking any information which did not support their cause. Many of the studies that I found showed older models that were crudely made and did not burn wood efficiently. Thirty years ago, I could find outdoor furnaces that created plumes of smoke. Times have changed and manufacturers have taken major strides in making their products "cleaner burning". I'm asking that we observe directly or study pictures of all types of chimneys—indoor, outdoor, fireplaces, etc. without seeing what type of stove it is connected to. Today, an unbiased observer would have a great deal of difficulty determining whether a chimney was from an OWB, an inside stove, or a fireplace. **Science is not partisan, but it sure seems so in this case especially when you take comment number four into account.**

**Comments for Proposed Rule Making 25 Pa. Code Chapters  
121 and 123 for Outdoor Wood-Fired Boilers**

1) There is a dichotomy between the actual legal foundation for this proposed regulation and the proposed regulation itself. The Air Pollution Control Act (APCA) limits the Department's authority to regulate household heating sources. Specifically, Section 6.1 of the APCA, 35 P.S. 4006.1, states that no written approval (plan approval or permit) shall be necessary for any such source, equipment or device used solely for the supplying of heat or hot water to one structure intended as a one-family or two-family dwelling. **Yet, the proposed rulemaking sites this same act, specifically section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. 4005(a)(1) for its legal foundation and statutory authority. Section 6.1 was written to ensure the Department controlled industrial and commercial sources of pollutants and clearly exempted the pollutants emitted from a device used solely for the supplying of heat or hot water to one structure intended as a one-family or two family dwelling. Not only is this a twisting of the regulations, the enactment of these proposed regulations would require a one-family or two-family dwelling to obtain a plan approval or permit, which clearly violates the APCA.**

a) Should this proposed regulation somehow law, any outdoor wood fired boiler, which serves a one or two family dwelling as stated in the APCA should be exempted from this rulemaking. If it's not exempted, the Department should not be **discriminating** against the owners of these boilers and **all** sources, equipment or devices used solely for the supplying of heat or hot water to one structure intended as a one-family or two family dwelling should be regulated by the need to obtain a plan approval or permit.

b) The Department can start this regulation with the neighbor located immediately in front of my house at a lower elevation, who burns two indoor wood fire places all day every day during the heating season, whose top of chimney elevations are located below the first floor living quarters of my house and whose house is located less than seventy feet from my house. It is not understood why my family can't be protected from my neighbors particulate emissions from an indoor wood fire place (I am referring to an old fashioned indoor wood fire place, not an indoor wood burner), but I have to protect my neighbors from my particulate emissions. Perhaps my wood burner emits more particulate matter per BTU, but my neighbor generates many more BTU's than my wood burner, because my neighbor's heat capture is much less efficient than my wood boiler. Based on the amount of wood burned in my outdoor wood burner versus the larger amount of wood burned inside my neighbors house, it wouldn't be a stretch to say that logic indicates my neighbor releases more particulate matter per heating season than my wood burner. I would also venture to say that my neighbor has a larger carbon footprint and also contributes more to global warming due to his inefficient capture of heat. Thus, these pollution issues must also be addressed by the Department and my neighbor should have to control his/her emissions or raise the height of their chimney by approximately thirty feet in order to get it above the highest peak of my house. Any other recourse would be discrimination against users of outdoor wood fired boilers.

c) The second place the Department can go is the neighbor located immediately to the left of my house at an equal elevation, who supplements their heat with a coal fired stove during the heating season, whose house is located less than forty feet from my house and whose chimney elevation isn't located high enough to prevent me from smelling sulfur fumes from time to time inside my house (in fact, today as I write these comments (January 30, 2010) I have been polluted by these fumes in my house). Thus, the Department must also address these pollution issues by insuring my neighbor meets a certain sulfur standard or raises their chimney above the highest peak of my house and all other houses within a 500' radius. Any other recourse would be discrimination against users of outdoor wood fired boilers.

d) Further legal precedent can be found in ACT 537 enacted in 1966, which basically provides forty-five years of precedent indicating the need to keep the Department out of people's back yards and allowing local governments to oversee proper planning of issues such as this that cannot be efficiently governed by a blanket six page proposed rule. Therefore, if the Department is going to regulate one source used to supply heat or hot water to one structure intended as a one-family or two family dwelling, then they should propose a regulation that regulates **all** sources, equipment or devices to protect **all** citizens from the pollutants emitted from a one-family or two family dwelling and it should be enforced locally and overseen by the Department just like Act 537.

2) The thought of initially installing an OWB on my single family dwelling property consisted of a consultation with all of my neighbors in order to address any concerns, receive permission and to be pro-active with any potential problems. The thought of installing my OWB was met with open arms and I received permission from all neighbors and received only one stipulation from one neighbor who asked that I only run the OWB during the heating season and we complied with their request. To this date, we have not received any complaints after we asked all the neighbors to let us know if there are any problems. The OWB was used for several years (without incident) and my Township (Cass Township, PA) discretely passed an ordinance requiring me to make modifications to the stack height of my OWB, even though there were no complaints about my OWB. The modification in stack height required me to survey all trees, houses and structures within a 300 foot radius and adjust my stack height dependent on certain distances from the OWB. Therefore, my stack height was adjusted from seventeen feet to approximately thirty-four feet. This adjustment in stack height created the only complaint ever about my OWB, which was the eye sore of a monstrous stack in my back yard. Thus, the Department should put a height limit on the stack that it needs to be no higher than the height of the chimney on the house(s) it serves.

a) My township obviously passed an ordinance because there were complaints about someone's OWB; however, it wasn't due to complaints about my OWB. My township extinguished the complaints by adopting an OWB ordinance. It's no secret that the birth of the Departments proposed regulations comes from the fact that small minorities of OWB owners either utilize restricted fuel (trash) or are inconsiderate to their neighbors.

My township (Cass Township, PA) contains 848 housing units located on approximately 14 square miles of land and five people in the entire township own an OWB. This equates to less than 0.6% of the Township housing population utilizing OWBs before the Township passed the ordinance (a copy of the ordinance is submitted for the Department's review as Addendum A). The bottom line is this was adequately resolved at a local level. Any Township or Municipality can adopt this same ordinance and can make changes to the ordinance to satisfy their own local issues. The Department doesn't need to add another layer of bureaucracy to further complicate matters and create additional issues. As discussed in Item No. 1 the Department should be focusing on the bigger issues with industry and commercial manufacturers of these products by requiring additional control devices on these products. It's not understood why the Department is taking this re-active stance instead of being pro-active with industry and commercial manufactures by setting emission limits on products sold in Pennsylvania. The Department is several steps behind in its attempt to resolve this problem at the source and is choosing to punish the home owner who paid a lot of money for these products. I believe to this day, the State of Washington has refused to allow OWB because they have been proactive instead of re-active. The steps are in place via my Township ordinance to phase out these units and control the spread of these units. The Department needs to modify the proposed regulation and exempt Townships/Municipalities from these proposed regulations if said Township/Municipality already has an ordinance enacted.

b) Since my Township is not located in a PM-2.5 non-attainment zone, the contribution of PM-2.5/particulate pollutants from the five OWB units in my Township would be a negligible contribution to the PM-2.5/particulate transport network if it even such a small source qualifies as a participating PM2.5/particulate vector. Thus, the Department needs to modify the proposed regulation and exempt Townships/Municipalities from these proposed regulations if said Township/Municipality already has an ordinance enacted for OWB's or if said Township/Municipality has less than 1% of OWBs in their population as this would be a negligible (if even a measurable) contribution of PM2.5/particulate matter whose phasing out process is already planned and initiated via Township Ordinance. The Department would be creating unnecessary work, expenses, and unfunded mandates to the Townships/Municipalities by not exempting them from this proposed regulation as they should not be punished because the State decided to step on their toes and add another layer of bureaucracy to something that has already been addressed at a local level. Even if I was located in a non-attainment area, all contributors of the impairment are required to make a waste load reduction not just one singled out source. Precedents for this in the Department are TMDL's for impaired streams, the Chesapeake Bay nutrient issue, the ozone transport, etc.

c) The Department's proposed regulation leaves no out for some OWB owners such as my family. For instance, when my Township enacted their OWB ordinance my household was left with the task of raising the stack on the OWB from seventeen feet to approximately thirty-four feet (see Addendum A for Township Ordinance, Section 606.7, Stack Height). This posed several problems the first of which is surveying the entire neighborhood within a 300' radius to determine the height of each neighbor's eave. This cost was approximately \$1,500.00. Second, was to calculate the required stack height

and determine how to structurally support such a structure. My household was left with the option to raise the stack height to thirty-four feet (just under the ordinance of thirty-five feet), and pay \$2,500.00 to install and structurally support it or sell the OWB. This cost us **\$235.00 for every foot** we wanted to raise the stack and this is a far cry from the \$36-\$42 per foot estimated by the Department in their proposed regulations under compliance costs. The cost of the stack per foot increases the higher the stack needs to be raised due to increased costs to structurally support the stack, access the top of the stack with a crane or lift and to account for the costs of ordinance variances. The Departments cost estimates would be correct for stack heights up to approximately seventeen feet, but from seventeen to thirty-four feet you can see my actual costs are \$235.00 per foot and any height above thirty-four I estimate would be more on the order of \$700.00 per foot, mostly due to the fact that one would need a crane and provide access for a crane to accomplish this task. My household decided to raise the stack to thirty-four feet, because this was less than the ordinance of thirty-five feet and we cannot get an ordinance variance because we didn't have the offsets to properly support a structure greater than thirty-five feet. In addition, the current stack configuration is an eye sore and additional structural supports would make it worse. For my household, the Department's proposed regulation offers no chance of me keeping my OWB due to the fact I would have to raise my stack height to approximately eighty-five feet (which cannot be done) and the regulation prohibits the re-sale of the unit in the State due to the proposed regulation. I propose the Department either exempts someone such as my family who is at the maximum stack height via local regulations or reimburses my household for the approximate \$15,000.00 put into this unit. After all, if the Department would have been pro-active with this matter like other states, (Washington State) OWBs would currently be banned in the Commonwealth of Pennsylvania. I purchased, installed and operated my OWB in good faith prior to this proposed regulation and it makes absolutely no sense for the Commonwealth to enforce OWB owners such as myself to lose \$15,000.00 in unrecoverable costs and then have to pay additional money (roughly \$10,000.00) out of my pocket in order to install a new heating source for my home. I don't have such money especially in this current economy and it will be necessary for the Department to reimburse me for this expense if it means this regulation requires me to abandon my OWB. If such a reimbursement program doesn't already exist in the Department then one should be established prior to passing this regulation. I have attached a letter from my State Senator to Secretary Hanger, which reinforces this position. This letter is attached in Addendum B for the Departments review.

d) I've seen in several places including the Department's fact sheet on OWB that trash, etc is burned in OWBs because they are designed with a large firebox. I believe the Department needs to retract this statement in all their OWB documents as the large firebox is designed so that large pieces of wood can be placed inside the firebox. Some OWB owner's burn trash, etc. in these fireboxes because they are ignorant people not because the firebox is large. These same people will throw their trash in their back yard and burn it (I have a few of those neighbors) if they had no other burning options, so eliminating an OWB would not eliminate trash, etc. being burned in the neighborhoods throughout Pennsylvania.

3) The only technical reference I could find that the Department used to write the proposed regulations was the Assessment of Outdoor Wood-fired Boilers prepared by the Northeast States for Coordinated Air Use Management (NESCAUM) dated March 2006 and revised June 2006. Under Background and Summary (Fifth Paragraph) on the Departments Proposed Rulemaking posted in the PA Bulletin on October 17, 2009 I notice the Department extracts information on how the pollutants from an OWB are much higher than that of 205 oil and 8,000 gas furnaces, which so happen to be the cleanest burning furnaces on the market. Why wasn't this compared to coal or indoor wood stoves? This is another dichotomy by the Department that indicates a negative bias toward OWB and should not have been in the proposed rule. It gives the impression that OWB are out of control because they are polluting the environment, but doesn't compare what the pollutants are from oil and gas extraction, production and delivery and leaves the lay person with the impression nobody polluted the air and water with oil or gas. It would be like me saying that trees have a negative impact on pollution when you compare how many pollutants the trees extract from the air (during the lifetime of the tree) and that this should negate the fact that it pollutes when later burned in my OWB. The Department would surely respond back indicating that this has nothing to do with the particulate problem from OWB's. Hence the dichotomy and bias that you want to win the argument from both sides of the issue. I recommend the Department republishes this proposed regulation again in the PA Bulletin without the negative bias to OWBs. Additionally, it's most likely the Department is comparing OWBs use to gas and oil furnaces using year round numbers and most likely uses the numbers from the NESCAUM stack tests. It would be wrong to use these numbers since year round emissions from OWBs would be greatly reduced in the non-heating season and most people such as my family use OWBs only during the heating season, which is half the year as opposed to the Departments twelve month comparison.

a) It's very clear that the NESCAUM study was performed to look at the negative impacts from OWBs and that the Department didn't perform any tests of its own or even question the facts in the document or have their own stack testing Department comment on the stack tests in the report, because many of the stack tests don't even meet PA stack testing requirements. For instance, Pennsylvania DEP requires that stack test meet an isokinetic rate between 90% and 110%. This would mean that stack test Nos. 1, 3, 5, 6, 8, 9, and 10 would not even qualify as representative data in the eyes of the Department. So, with looking at this line of data only, it would mean that 41% of the data and conclusions in the NESCAUM report are invalid. Test Nos. 1, 6 and 9 have invalid isokinetic rates and also indicate the highest test values in the full burn mode. This is not a coincidence! Test No. 9 has an isokinetic rate of 193.4%. When stack tests are performed correctly, the test data is plus or minus 50% error, so, I hope the Department can respond by indicating how much in error the stack tests are when one has an isokinetic rate of almost twice the allowable. In addition, stack test Nos. 3, 5, 7, 10, 12, 14, 16 and 17 (measurements during idle burn mode) would not be applicable to my OWB as mine does not continuously smoke for these great length of times (probably due to the large stack height on my OWB and a different design), because the damper is closed and no airflow is allowed into the OWB during idle mode. I'm very interested in knowing how NESCAUM even measured an air flow rate going through the device if the

damper was closed to air flow. The thermal flow must have been measured immediately after the damper closed and this initial flow must have been applied to the entire test run, **which is definitely not appropriate** since the thermal plume quickly dissipates over time (to be precise, the test run is pretty much the length and breadth of the thermal plume and the flow **cannot** be measured simultaneously with the test run (either your testing or your measuring flow)). It's almost laughable that the NESCAUM calls this out in their report by stating they were expecting particulate emissions to be less during these tests, but they also fail to perform the test correctly. With this being said it's appropriate to say that the tests performed during idle burn mode are not representative test data and would mean only five out of seventeen test runs would provide appropriate test data and that's only after a cursory review. Meaning 71% of the stack test data is not valid and the five tests that might be valid yielded the five lowest emission rates! Since we don't have all the test data and field sheets, it's very unclear how much test data would be deemed significant after a full detailed review. The Department needs to respond on how they can drastically impact the lives of people using these proposed regulations without representative data. I recommend the Department drops the pursuit of these regulations until representative data can be objectively assessed.

b) I could not find in the NESCAUM report on how the stack tests were performed in such a small stack (less than 12") without addressing sample nozzle interference especially with the large nozzles. However, what is clear is that NESCAUM concluded that people living near OWBs "may" be affected and that better testing "may" be appropriate (Section 5.5, Page 5-18). Not only do I think better testing may be appropriate, I believe it's absolutely appropriate. As a citizen of the State of Pennsylvania, I would prefer that our regulations are based on solid facts instead of patchwork methodologies and test data. The NESCAUM report indicates that OWBs may be a problem, which also means they may not be a problem.

c) The public wasn't made privy to the deliberative process in which the regulations were drafted and thus I have no idea how the "one size fits all OWBs" came to fruition. With any stack emission in the State, the Department can perform dispersion models or stack tests to determine whether or not pollutants may or may not be a problem. I believe it would be prudent to allow the same dispersion/dilution and stack testing to OWBs before mandating a home owner to raise their stack eighty-five feet into the air or have a home owner depart with their OWB along with approximately \$15,000.00 of their hard earned money. I invite the Department to test my OWB and to simultaneously test my neighbor's fireplaces to determine who is actually putting more pollution in the environment and this would also allow the Department to analyze their own actual test data instead of relying on a big question mark when using the NESCAUM data. I would also ask the Department to make available for public consumption the reasoning for coming up with the regulations as now posted. If the Department used the subjective data in the NESCAUM report, then it's very clear that raising a stack two feet higher than any residence within a 500' radius of my OWB is a complete and utter overkill.



d) As stated earlier, I don't know how all the proposed regulation came to fruition and the public can only go on the NESCAUM report. The NESCAUM report doesn't indicate the exact location of the unit in question (if the picture on the front cover is any indication the unit is located on a valley floor (railroad tracks in the background)), the height of the stack (very short height) and the OWB smoked continuously all day. In other words, that is the worst case scenario. The Department can't justly compare these results to my OWB or any other OWB. My OWB has a stack height of thirty-four feet, completely shuts down in idle mode (doesn't smoke when not being called on for heat) and my OWB disperses its effluent nearly from the top of a mountain where mixing with the air is rapid. The NESCAUM report also compiles the ambient PM2.5 particulate data from a valley floor where it's not hard to realize that this can quickly become a problem. It's beyond unjust to compare all OWB's utilizing this report. I again beg the Department to consider these OWB's on a case by case basis as this is another reason why the "one size fits all" doesn't apply. The NESCAUM report indicates once again on page 7-2 (bullets two and three) that additional testing and assessments need to be done and I once again request the Department to completely study this issue to a factual basis.

e) Another issue the Department didn't consider is the Discharge Duration of the OWBs. As stated earlier, my OWB shuts down completely when not being used, while indoor wood stoves, coal stoves, indoor fireplaces are continuously producing effluent. The OWB owners are once again being discriminated against by not taking discharge duration into account and comparing the pollutant matter coming out of the stack on a mass per unit day basis or even over a heating season. If my OWB only runs ten times a day for fifteen minutes and my neighbors fire place runs all day every day, then it's once again unjustly to compare OWB's in grams/hour or grams/mmBTU when over the long term the other heating units (that the Department deems favorable) may be producing just as much, if not more pollution. In other words, the Department should be equally concerned about the higher concentration of pollutants coming out of the OWB stacks on the short term as well as the lower concentration of pollutants coming out of the other stacks over the long term or the Department should quit unjustly comparing OWB's to the other units. Either way, pollutants coming from my OWB need to be addressed on a mass basis via long term average and not as some snap shot in time when the unit is in full burn mode. Otherwise, it would be like me saying when the unit isn't running is when you should consider its contribution to air pollution. Hence the third dichotomy I've addressed so far that indicates bias and that the Department wants to win the argument from both sides of the issue.

f) If comments "a" through "e" didn't give enough reason to highly question the test data, please review Appendix A of the NESCAUM report and read the letters referring to the Department of Ecology in the State of Washington who to this day will not allow the sale of OWBs in their State because nobody can prove to them via a valid test that it meets emission standards. Also, the 1997 tests performed under the direction of the U.S.E.P.A resulted in the fact that OWBs are exempted from the national "Standards of Performance for New Residential Wood Heaters (40 CFR Part 60, Subpart AAA) in part because there is not a valid test method. These results further reinforce the unknown in testing these units and it really is a slap in the face to owners of OWBs (who operate their

OWB correctly) on how the Department can rely on the data in the NESCAUM report as a means to write laws in the Commonwealth.

g) Hopefully, the Department can comment on why actual control devices have not been proposed to be put on the OWBs. For instance, my OWB already has an electrical line running to it, which can be utilized to power an induced draft fan. A fan in series with a mini cyclone along the stack would allow for a large capture of particulate matter. The cyclone can be cleaned with the daily routine and I personally would use the ashes in my garden in order to capture the benefits from potash, calcium carbonate and phosphate residue located in the particulate matter. Surely, the Department can come up with better ideas than me having to raise my stack to a height of eighty-five feet and in turn getting rid of the OWB due to the fact I would never get an ordinance variation and would never be able to economically feasible support such a structure. Especially since I'm only in the fourth year of the OWBs use and I have a 25 year warranty on the product. The Department can do much better than this current regulation.

h) With regards to the Department's posting in the October 17, 2009 PA Bulletin regarding proposed rulemaking for OWB's under Background and Summary, paragraph five addresses PM2.5 emissions from one OWB being equivalent to oil and gas furnaces, etc. The NESCAUM report takes into account stack testing for particulate matter not PM2.5. This should be reposted in the PA Bulletin with this paragraph being deleted as this comparison is in error and has a negative bias against OWB's as further addressed in comment No. 3.

i) I would imagine in the near future that OWBs will be designed to burn much more efficiently and will also have control devices such as cyclones. The Department needs to include provisions in this regulation that relax the set back restrictions, stack heights, etc, on OWBs of the future, so that the regulations don't outlaw perfectly suitable OWB that may be available in say ten years from now. The Departments regulation is encouraging permanent limitations on OWBs when the future might make this one of the best heating units available.

j) The regulations being proposed are excessive for existing units, because extending the chimney for heights over 10 feet creates several problems for the stove owner. Number one is the formation of creosote. If a chimney is extended, the exhaust gases cool and form creosote. A hotter temperature is necessary to avoid such buildup. Putting the top of the chimney eighty-five feet in the air would successfully spread the particles over a much wider area than a lower stack, but would do NOTHING to stop the smoke or PM 2.5 particles. Most OWBs have forced air induction, which eliminated the need for a "draft". Air is forced into the burn chambers. It makes the fire burn hotter and cleaner. The second regulation of 150 feet from a property line would require a minimum of 2.066 acres if the OWB was located exactly in the center of the lot, effectively eliminating the use of OWB's for most residents in the state.

k) I also learned during my many college classes that one amasses documents to support the thesis he is attempting to prove or disprove. It seems to me that the

Department and the Air Quality Technical Advisory Committee (AQTAC) started with the premise that ALL OWB's are detrimental to our society and proceeded to collect data to prove their point, while overlooking any information which did not support their cause. Many of the studies that I found showed older models that were crudely made and did not burn wood efficiently. Thirty years ago, I could find outdoor furnaces that created plumes of smoke. Times have changed and manufacturers have taken major strides in making their products "cleaner burning". I'm asking that we observe directly or study pictures of all types of chimneys—indoor, outdoor, fireplaces, etc. without seeing what type of stove it is connected to. Today, an unbiased observer would have a great deal of difficulty determining whether a chimney was from an OWB, an inside stove, or a fireplace. **Science is not partisan, but it sure seems so in this case.**

Christopher Whiteash  
229 High Road  
Pottsville, PA 17901  
(570) 544-6127

**Addendum A**

**TITLE I. ADMINISTRATION**

**CHAPTER 1. CODIFICATION PROVISIONS**

**Section 101. Title**

This codification ordinance shall be known as the "Cass Township Code" and shall be cited as follows:

1 Cass Code §101, et seq.

**Section 102. Scope**

The provisions of this ordinance shall apply to all ordinances and general laws enacted by Cass Township currently in effect and as may be amended in the future.

**Section 103. Intent**

The Board of Supervisors intends to consolidate or codify its general body of Township ordinances by adopting as a single ordinance which shall be known as the "Cass Township Code". The Board of Supervisors further intends to repeal and amend certain existing ordinances as noted in the course of preparing this consolidation or codification. However, it is the intent of the Board of Supervisors that this codification will not change the presently existing ordinances unless this enacting ordinance specifically provides for amendments or repeals. Any prior ordinance not specifically and substantively changed as part of this codification shall continue in full force and effect from the date of the adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are reaffirmed. It is the intention of the Board of Supervisors of such provisions of said ordinances within the Code be reenacted and reaffirmed as they appear in the Cass Township Code.

**Section 104. Severability**

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of Cass Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

**Section 105. Substantive Changes and Revisions to Existing Ordinances**

The major substantive changes to existing ordinances relates to the penalties as provided in Section 107 below. Other revisions to existing ordinances are more in the nature of renumbering into various titles and chapters to be consistent with the Code being adopted herein.

**Section 106. New Ordinances Adopted as Part of this Codification**

Ordinances listed below are hereby adopted during the process of codification to replace or update previously adopted ordinances. Said new ordinances were contained in the Notice of Intent to Adopt published in conjunction with the adoption of the Cass Township Code. The new ordinances are as follows:

1. Regulation of outdoor furnaces
2. Local Services Tax

**Section 107. Penalties**

All prior ordinances, as part of the codification noted herein, shall be amended to include the maximum amount of civil and criminal penalties pursuant to the Second Class Township Code, 53 P.S. §66601(c.1), as it currently reads and as may be amended from time to time. The current language of the Township Code has a maximum Six Hundred Dollar (\$600.00) fine per violation for civil enforcement and a summary offense under the Pennsylvania Rules of Criminal Procedure has a maximum criminal fine not to exceed One Thousand Dollars (\$1,000.00) per violation. It is the intent of the Board of Supervisors to allow applicable fines to increase as the Pennsylvania Township Code is amended without the need to continually amend the CASS CODE. It is also the intent of the Board of Supervisors that any and all remedies or enforcement procedures available under §66601 shall be adopted as part of any penalty or enforcement provisions of the Code.

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who fail to comply with any of the requirements or provisions of any ordinance contained in the Cass Code or the rules and regulations promulgated pursuant thereto, shall be subject to a fine of not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars pursuant to 53 P.S. §66601(c.1), as amended from time to time; and in default of payment, to imprisonment of not more than thirty (30) days. Each day's violation of any provision of the Cass Code shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense. In addition to these penalties, all other remedies are hereby reserved including an action in equity for the proper enforcement of any ordinance or law of the State of Pennsylvania. The imposition of a fine or penalty for any violation of, or non-compliance with, the Cass Code shall not excuse the violation or non-compliance or permit it to continue, and all such persons, partnerships, corporations, bureaus or utilities, or the partners or officers thereof, shall be required to correct or remedy such violations and non-compliances within a reasonable time.

**Section 108. Repeal of Certain Ordinances; Notation of Ordinances Not Repealed by This Codification**

Any ordinance previously adopted by the Board of Supervisors which is not contained in the Code or specifically saved from repeal as noted herein, is hereby repealed as of the effective date of this codification. Ordinances which are not to be repealed or affected by this codification are generally as follows:

- a. All taxation ordinances adopted by the Board of Supervisors periodically. These ordinances will be codified at a later date under Title VIII, Taxation and Finance. It is the specific intent of the Board to save codification of these ordinances for a later date.
- b. Any ordinance concerning the police department and the creation of the police department or the positions contained therein. This also will be codified at a later date under Chapter 2 of Title I, Administration.
- c. The current Subdivision and Land Development Ordinance adopted by the Township. It is the intent that this ordinance continue in full force and effect to be later codified as Title X of the Cass Township Code. The Board of Supervisors reserves the right of the time of that codification to make any amendments to the Subdivision and Land Development Ordinance pursuant to the Pennsylvania Municipalities Planning Code.
- d. Any ordinance creating a municipal authority or a joint municipal authority pursuant to the Pennsylvania Municipal Authorities Act.
- e. Any ordinances passed with regard to what is commonly known as the High Ridge Industrial Park. These ordinances can include, but are not limited to, taxation and finance ordinances related to the development of High Ridge including, but not limited to the legislation concerning the Keystone Opportunity Zone Program or the Tax Increment Financing Program, also known as TIF and LERTA.
- f. Any ordinance setting a salary of an elected or appointed Township official. This is reserved under Chapter 2 of Title I, Administration, for codification at a later date.
- g. Any ordinance creating the Planning Commission together with the appointment of members to serve on said Commission. This likewise will be codified at a later date.
- h. Any recent ordinance concerning an update of the Police Pension Plan by the Township. This will be included in the Cass Code at a later date.

- i. Any ordinance or resolution appropriating money or guaranteeing payment of money by way of issuance of bonds or guarantees such as the PennVest funding for the sewage collection system and treatment facility.
- j. Ordinances adopting annual budgets or setting annual tax rates.
- k. Ordinances concerning the purchase or transfer of any real or personal property or the acquisition of property through eminent domain proceedings.
- l. Any ordinance commonly known as a Flood Plain Ordinance, as amended from time to time.

**CHAPTER 2. OFFICIALS, DEPARTMENTS, BOARDS AND RECORDS**

**Section 201. Establishment of Police Department - *Reserved***

**Section 202. Salaries and Compensation - *Reserved***

**Section 203. Planning Commission - *Reserved***

**Section 204. Municipal Authorities - *Reserved***

**Section 205. Fire Department - *Reserved***

**Section 206. Zoning Hearing Board - *Reserved***

**Section 207. Building Code Appeals Board**

**Section 207.1. Appeals**

Any person directly affected by a decision of an appropriate official of the Township relative to the Property Maintenance Code of Cass Township or the Cass Township Building Code have certain rights to appeal consistent with those codes noted herein. Such appeal shall be heard by the Building Code Appeals Board as provided in both the Property Maintenance Code and the Building Code.

**Section 207.2. Creation of Cass Township Building Code Appeals Board**

The Cass Township Building Code Appeals Board shall be appointed by the Board of Supervisors pursuant to Section 111 of the Property Maintenance Code of Cass Township.

**Section 208. Public Works Department - *Reserved***



*Cass Township*  
**Outdoor Furnace Permit Application**

**Location of proposed work or improvement:**

Street Address: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Tax Parcel No.: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Principal Contractor: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Type of work of improvement (check one):**

New Outdoor Furnace \_\_\_\_\_ Replacement of Outdoor Furnace \_\_\_\_\_

Existing Furnace Registration/Non Conforming \_\_\_\_\_

Describe the proposed work: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Description of building use:**

Residential

Non-Residential

\_\_\_\_\_ One-Family dwelling

Specific use: \_\_\_\_\_

\_\_\_\_\_ Two-Family dwelling

Use group: \_\_\_\_\_

**Building/Site Characteristics:**

Zoning District: \_\_\_\_\_

Lot Size: \_\_\_\_\_

**Set Back of Furnace From:**

Front Property Line: \_\_\_\_\_ ft.

Stack Location From Nearest Residence

Side Property Line: \_\_\_\_\_ ft.

or Occupied structure: \_\_\_\_\_ ft.

Back Property Line: \_\_\_\_\_ ft.

Stack Height: \_\_\_\_\_ ft.



have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Part of Ordinance No. 3291, Adopted March 29, 2000)

## CHAPTER 6. REGULATION OF OUTDOOR FURNACES

### Section 601. Title

This ordinance shall be known as the "Cass Township Outdoor Furnaces Ordinance".

### Section 602. Citation

This ordinance may be cited as 6 Cass Code §601, et seq.

### Section 603. Purpose and Scope

**Section 603.1.** Residences and commercial establishments situated within the Township are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within populated areas of the Township.

**Section 603.2.** This regulation shall provide for the requirements and limitations of the installation of any exterior furnace or exterior burning device, the primary purpose of which is to convert combustible fuel into a heat or energy source for interior spaces.

**Section 603.3.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

**Section 603.4.** This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building or structure used for human or animal habitation.

**Section 603.5.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating temporary construction or maintenance activities.

### Section 604. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**FIREWOOD** – Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches (3") in diameter.

**OUTDOOR FURNACE** – Any equipment, device, structure, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a supplementary component of a heating system providing heat for any interior space.

**STACK or CHIMNEY** – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a fuel-fired heating device or structure or outdoor furnace, including that part of the structure extending above a roof.

**UNTREATED LUMBER** – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

### **Section 605. Permit Required; Fee; Inspections**

**Section 605.1.** It shall be unlawful for any person, firm, or corporation to install an outdoor furnace without first securing a permit from the Cass Township Code Enforcement officer or other appointed official. Application for permit shall be made to the Code Enforcement Officer or other appointed official on the forms provided.

**Section 605.2.** The permit application fees will be established from time to time by Resolution of the Township Supervisors which will be the minimum amount of \$200.00 per unit.

**Section 605.3.** Before a permit can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required showing the location of the proposed outdoor furnace on the property, location and height of all existing structures on the property, and distances from the outdoor furnace to existing structures on the property. The site plan shall also include the location and height of and distance to any existing structure or trees on nearby properties within 300 feet of the unit. The manufacturer's specifications and instructions shall also be furnished to the Township before a permit can be issued.

### **Section 606. Specific Requirements**

**Section 606.1. Permitted Zoning Districts.** Outdoor furnaces shall be permitted only in the Industrial, Conservation Mining, and R-3 Multi-Family Residential Zoning Districts.

**Section 606.2. Serving Multiple Structures.** Serving multiple structures from the same outdoor furnace is permitted provided the structures served are located on the same lot as the furnace.

**Section 606.3. Minimum Lot Size.** Outdoor furnaces shall be permitted only on lots of one half (1/2) acre or more.

**Section 606.4. Setbacks.** Outdoor furnaces or parts thereof shall be set back not less than 50 feet from any lot line.

**Section 606.5. Installation Surface.** Outdoor furnaces must be placed on a level, stable surface and according to manufacturer's specifications.

**Section 606.6. Stack Location.** The stack is not permitted to be located within 50 feet of any residence or occupied structure not served by the furnace.

**Section 606.7. Stack Height**

- (1) If located more than 50 feet but no more than 100 feet to any residence or occupied structure not served by the furnace, the stack must be at least five feet higher than the eave of that residence or structure.
- (2) If located more than 100 feet but no more than 150 feet to any residence or occupied structure not served by the furnace, the stack must be at least 75% of the height of the eave line of that residence or structure, plus an additional five feet.
- (3) If located more than 150 feet but no more than 200 feet to any residence or occupied structure not served by the furnace, the stack must be at least 50% of the height of the eave line of that residence or structure, plus an additional two feet.
- (4) In all cases, the stack must be a minimum of 20 feet in height measured from the ground on which the device is located or per the manufacturer's recommendations, whichever is greater.
- (5) In all cases, the stack shall have a spark arrestor installed on top.

**Section 606.8. Permitted Fuel.** The only fuels allowed shall be those listed fuels recommended by the manufacturer and to those fuels not listed above and 606.9 below

**Section 606.9. Materials That May Not be Burned.** Unless specific written approval has been obtained from the Pennsylvania Department of Environmental Protection (PADEP), the following materials may not be used as fuel under any circumstances:

- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal wastes, paint or painted materials, furniture, composite shingles, demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to applicable PADEP regulations.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products, railroad ties, pressure-treated wood, or other wood products that are painted, varnished, or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Leaves, yard waste, or brush smaller than three inches (3") in diameter.
- (8) Paper products and cardboard.
- (9) Any material that is not recommended for burning by the manufacturer of the outdoor furnace.

**Section 606.10. Months of Operation.** Outdoor furnaces shall be operated only between October 1 and April 30.

**Section 606.11.** All outdoor furnaces shall comply with emissions standards as required for outdoor furnaces, as promulgated by the Environmental Protection Agency (EPA). For purposes of this Ordinance, all emission and standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

**Section 606.12.** All outdoor furnaces shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the said outdoor furnace. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained in this Ordinance, the stricter instructions or regulations shall apply.

**Section 606.13.** Any large accumulation of ashes or waste must be disposed of in a manner approved by Cass Township and/or the Pennsylvania Department of Environmental Protection.

**Section 606.14.** All outdoor furnaces shall be used for the sole purpose of furnishing supplemental heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools.

**Section 606.15.** No homemade or self manufactured outdoor furnaces are permitted. Every furnace used in the Township must be manufactured or inspected in accordance with all applicable federal, state and local laws or regulations.

**Section 606.16. Fuel Storage.** All storage of materials to be consumed by the outdoor furnace shall be neatly stacked and/or stored under cover and free from insects or any type of disease carrying rodents. Storage of materials is not permitted within four feet of any lot line.

**Section 607. Compliance With Other Laws, Regulations and Ordinances**

**Section 607.1.** Any outdoor furnace must also comply with any other county, state, or federal guidelines for the same.

**Section 607.2.** Any outdoor furnace must conform to other Township regulations including building code and zoning requirements. As such, additional permits and their related fees might be required.

**Section 607.3.** Both a zoning and building permit are required for any permanent structure.

**Section 608. Regulations for Existing Outdoor Furnaces and Nonconforming Uses**

**Section 608.1.** Except as hereinafter provided, the lawful use of any outdoor furnace existing at the time of the adoption of this article may be continued.

**Section 608.2.** All owners/operators of existing outdoor furnaces shall apply for a permit for the furnace in accordance with the permit requirements contained in Section 605, hereof within sixty (60) days of the adoption of this Ordinance. Any and all existing outdoor furnaces that do not comply with any provision of this Ordinance other than Sections 606.7, 606.8, 606.9, 606.10, 606.11, 606.13, 606.14 and 606.15, shall be registered as a nonconforming furnace.

**Section 608.3.** Any and all existing outdoor furnaces shall be brought into full compliance with Section 606.7 (Stack Height) of this Ordinance within ninety (90) days from the effective date of this Ordinance and Section 606.8 (Permitted Fuel), Section 606.9 (Materials That May Not Be Burned), Section 606.10 (Months of Operation), and Section 606.16 (Fuel Storage) upon the effective date of this Ordinance.

**Section 608.4.** No outdoor furnace existing at the time of the adoption of this article shall thereafter be extended or enlarged without first receiving a permit in accordance with this Ordinance.

**Section 608.5.** Any existing outdoor furnace which does not conform to this Ordinance and is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use and must be immediately removed by the property owner from the subject premises.

**Section 608.5.1.** If the property owner fails to remove the outdoor furnace by the end of said seven-consecutive-month period, the Township Code Enforcement Officer or other Township Official shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor furnace is located. Such notice shall provide that said owner shall remove the outdoor furnace within fifteen (15) days of the date the notice is either postmarked or personally served upon the owner.

**Section 608.5.2.** Should the outdoor furnace not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.

**Section 608.5.3.** The costs incurred by the Township to effect said removal (including any attorneys fees incurred by the Township to effect the removal), plus said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within thirty (30) days from the date said costs are presented to the owner. If said expense is not paid within the time frame, then an equivalent lien may be levied against the property.

**Section 608.6.** No existing outdoor furnace which has been damaged by any reason to the extent of more than 75% of its value shall be repaired or rebuilt without first receiving a permit in accordance with Section 605.

#### **Section 609. Enforcement**

**Section 609.1.** A permit issued pursuant to this Ordinance may be suspended as the Fire Chief, Code Enforcement Officer, Health Officer, or member of the Police Department may determine to be necessary to protect the public health, safety, and welfare of the Township residents if any of the following conditions occur:



- (1) Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;
- (2) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;
- (3) The emissions from the outdoor furnace cause damage to vegetation or property; or
- (4) The emissions from the outdoor furnace are or may be harmful to human or animal health.

**Section 609.2.** Any authorized officer, agent, employee or representative of the Township, including but not limited to the Zoning Officer, Township Code Enforcement Officer, Fire Chief, or member of the Police Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance or any other applicable Township Ordinance. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.

**Section 609.3.** A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this chapter subject to the penalties provided in Section 611 hereof.

#### **Section 610. Liability**

A person utilizing or maintaining an outdoor furnace shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire associated with the outdoor furnace.

#### **Section 611. Violation and Penalties**

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

**Addendum B**

**DAVID G. ARGALL**  
29TH SENATORIAL DISTRICT

SCHUYLKILL & PORTIONS OF  
BERKS, CARBON, LEHIGH, MONROE  
& NORTHAMPTON COUNTIES

SENATE BOX 203029  
THE STATE CAPITOL  
HARRISBURG, PA 17120-3029  
(717) 787-2637  
FAX: (717) 783-8657

HAMBURG	(610) 562-3411
MAHANAY CITY	(570) 773-0891
MONROE COUNTY	(570) 402-1499
ORWIGSBURG	(570) 366-2735
POTTSVILLE	(570) 621-3400
SLATINGTON	(610) 790-9805
TAMAQUA	(570) 668-1240



**Senate of Pennsylvania**

December 4, 2009

Honorable John Hanger, Chairperson  
Environmental Quality Board  
Secretary of Environmental Protection  
16th Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101-2301

Dear Secretary Hanger:

I am writing today on behalf of my constituents who utilize outdoor wood-fired boilers for heating their homes. I appreciate you taking the time to review this issue.

My constituents have contacted my office regarding proposed regulations being discussed by the Environmental Quality Board. These constituents would like to see "grandfather clauses" implemented if major changes to the regulations are enacted since they have installed and operated their heater units with good faith under current regulations and feel that new regulations would be costly and possibly impossible to comply.

These changes including chimney height requirements, seasonal prohibition of using the heater during summer months (May 1-September 30), and opacity requirements for residential units would be detrimental to their current owners if implemented retroactively. While my constituents oppose drastic changes in the previously mentioned items, my constituents are in favor of the section of the proposed regulation that would specify that only approved fuel to be used in these units.

I appreciate you taking the time to review these comments and I look forward to the Environmental Quality Board's response to this issue.

Sincerely,

DAVID G. ARGALL  
State Senator  
29<sup>th</sup> District

DGA:cv

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COMMITTEES

APPROPRIATIONS  
COMMUNICATIONS & TECHNOLOGY  
EDUCATION  
LABOR & INDUSTRY  
URBAN AFFAIRS & HOUSING,  
VICE CHAIRMAN

JOINT LEGISLATIVE AIR &  
WATER POLLUTION CONTROL  
& CONSERVATION COMMITTEE

WEBSITE: senatorargall.com  
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